

FEDERAL COMMUNICATIONS COMMISSION

**445 12th STREET SW
WASHINGTON DC 20554**

MAR 06 2012

**MEDIA BUREAU
AUDIO DIVISION
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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

The Great Marathon Radio Company, Inc.
P.O. Box 500940
Marathon, FL 33050

In re: WKEY-FM, Key West, FL
Facility I.D. No. 34354
The Great Marathon Radio
Company, Inc.
File No. BMLH-20070117AFB

NEW(FM), Islamorada, FL
Facility I.D. No. 189556
Alex Media, Inc
File No. BNPB-20110523AEW

Dear Licensee:

In accordance with procedures adopted by the Commission,¹ this letter constitutes notification to The Great Marathon Radio Company, Inc. ("Great Marathon Radio"), licensee of WKEY-FM, of the filing of a construction permit application (BNPH-20110523AEW) by Alex Media, Inc ("Alex Media") for a new FM station at Islamorada, FL. Alex Media's application requested the substitution of Channel 229C2 for Channel 228C2 at Key West, FL and modification of the FM Station WKEY-FM license accordingly.²

¹ See *Revision of Procedures Governing Amendments to FM Table of Allotment and Changes of Community of License in the Radio Broadcast Services*, Report and Order, MB Docket No. 05-210, FCC 06-163 (rel. Nov. 29, 2006).

² The license of FM Station WKEY-FM at Key West, Florida can be modified to specify operation on Channel 229C2 in lieu of Channel 228A at the station's current authorized transmitter site (BMLH-20070117AFB). The licensed coordinates for FM Station WKEY-FM at Key West, are 24-34-17 NL and 81-44-25 WL.

Section 316(a) of the Communications Act of 1934, as amended,³ permits us to modify a license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford the licensee/permittee of the affected station at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's Rules.⁴ We find that the Application has sufficient public interest benefits to justify the issuance of a show cause order. Furthermore, Alex Media states that it would reimburse Great Marathon Radio for the reasonable costs incurred in connection with the proposed channel change consistent with the *Circleville* policy.⁵

Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission's Rules, Great Marathon Radio, licensee of Station WKEY-FM, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 229C2 in lieu of Channel 228C2. Great Marathon Radio may, not later than 30 days from the date of this letter, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensee herein to furnish additional information. If the affected licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed within the period specified above, the licensee will be deemed to have consented to the modification as proposed in this *Order to Show Cause* and its assignment will be modified to specify the new channel.

Further action on the subject application will be withheld for thirty days from the date of this letter to provide an opportunity to reply. Please note that responses must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Mass Bureau

cc: William D. Silva
Evan Carb

³ 47 U.S.C. § 316(a) (the "Act").

⁴ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

⁵ See *Circleville, Ohio*, 8 FCC 2d 159 (1967).